

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD SHAWD BLACKBURN,)
Petitioner,) 2:14-cv-1752
) Electronic Filing
v.)
) Judge David Stewart Cercone
)
DEPARTMENT OF CORRECTIONS;)
KATHLEEN KANE, The Attorney)
General of the State of Pennsylvania;)
JAMEY LUTHER, Superintendent of)
SCI Laurel Highlands,)
)
Respondents.)

MEMORANDUM ORDER

Pending before the Court is Petitioner Edward Shawd Blackburn's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus. (ECF No. 4). The matter was referred to United States Magistrate Judge Cynthia Reed Eddy for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a Report and Recommendation (ECF No. 20) on July 7, 2016, recommending that the Petition be dismissed with prejudice as untimely and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address of record and the parties were advised that they had fourteen days after service of this Report and Recommendation to file written objections. To date, no objections have been filed nor have any requests for an extension of time to file objections been filed.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16 day of August, 2016;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Edward Shawnd Blackburn is **DISMISSED WITH PREJUDICE** as untimely and that a Certificate of Appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation filed on July 7, 2016 (ECF No. 20) is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Edward Shawnd Blackburn
JM1293
5706 Glades Pike, PO Box 631
Somerset, PA 15501
(*Via First Class Mail*)

Ronald M. Wabby, Jr., Esquire
Rusheen R. Pettit, Esquire
(*Via CM/ECF Electronic Mail*)